

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Parramatta City Council** on **Thursday 30 October 2014 at 11.00 am**

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Cr John Chedid and Cr Jean Pierre Abood

**Apologies:** Nil

**Declarations of Interest:** Nil

### Determination and Statement of Reasons

**2014SYW053 – Parramatta, DA/183/2014** as relevant to the basement component of DA 852/2013, Tree removal, demolition of car park, installation of retaining walls and bulk excavation (early works/site preparation), Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 sec.88 DP 758829 and Lot 1 in DP 555756, 189 Macquarie Street and Part 34 Hassall Street, Parramatta.

**Date of determination:** 30 October 2014

#### Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### Reasons for the panel decision:

The majority of the Panel (M L Taylor, B McDonald, J Chedid and J P Abood) determined to approve the application for the following reasons:

1. The site is located in a sector of the Parramatta Central Business District currently undergoing redevelopment with substantial new buildings and this proposal will facilitate and expedite construction when such a building as intended by Council when subsequently approved on the subject land.
2. The proposed development subject to the conditions imposed will not unreasonably impact on ground or surface water flow patterns and water quality or on the stability of adjoining lands.
3. The proposed development subject to the conditions imposed will not present a safety hazard to persons using the locality.
4. In consideration of conclusions 1-3 above the Panel considers the proposal is in the public interest.

The Panel however records that this approval should not be interpreted as endorsement or otherwise of the proposal for a mixed use building incorporating a public car park submitted to Council on 23 December 2013 and currently being assessed. That development will be determined with regard to its individual merit and circumstances.

Paul Mitchell does not support approval of this application for the following reasons –

1. There is significant uncertainty about the timing and design of future development on this site.

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2. Accordingly there is a realistic prospect that the site will remain as a vacant excavation for an extended time frame probably for some years. During this time there would be a consequent material loss of public parking in the Parramatta CBD.
3. The assessment does not adequately examine the consequences of the loss of parking in the CBD.
4. It is unusual and poor planning practice to sever an application into uncounted segments. In this instance there is no certainty that subsequent stages of this development will be approved, the partial approval of this uncertain development proposal would not be orderly and is inconsistent with relevant objects of the Environmental Planning & Assessment Act.

For reasons 1 to 4 above the application has little planning merit and is not in the public interest.

**Conditions:** The development application was approved subject to the conditions in the Council Assessment Report with an additional condition relating to implement the Council's car parking communication strategy and modification to Condition 70.

### Panel members:

		
<b>Mary-Lynne Taylor (Chair)</b>	<b>Paul Mitchell</b>	<b>Bruce McDonald</b>
		
<b>Jean Pierre Abood</b>	<b>John Chedid</b>	

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<b>SCHEDULE 1</b>	
1	<b>JRPP Reference</b> – 2014SYW053, <b>LGA</b> – Parramatta City Council, <b>DA/183/2014</b> as relevant to the basement component of DA 852/2013
2	<b>Proposed development:</b> Tree removal, demolition of car park, installation of retaining walls and bulk excavation (early works/site preparation)
3	<b>Street address:</b> Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 sec.88 DP 758829 and Lot 1 in DP 555756, 189 Macquarie Street and Part 34 Hassall Street, Parramatta.
4	<b>Applicant/Owner: Owner:</b> Parramatta City Council and a small part by the Department of Education (Part Lot 5 sec.88 DP 758829), <b>Applicant:</b> Krikis Tayler Architects
5	<b>Type of Regional development:</b> Capital investment value over \$5 million where Council owns the land
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy Infrastructure (Infrastructure SEPP)</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ Parramatta City Centre Local Environmental Plan 2007</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Parramatta Development Control Plan 2007</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Act Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report (21 August 2014), further report (30 October 2014), conditions of consent. Submissions: 1 Verbal submissions at the panel meeting: <b>Against –</b> <ul style="list-style-type: none"> <li>• Michael Burke</li> </ul> <b>Support -</b> <ul style="list-style-type: none"> <li>• Nick Krikis in attendance to answer questions from panel</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> The development application was considered by the Panel on 4 September 2014 when the Panel resolved to defer consideration of the application. The Panel required the applicant to provide the following information: <ul style="list-style-type: none"> <li>• Describe the progressive loss of parking that will occur as a result of the development and how this loss will be made-up or otherwise addressed;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Provide an estimate of the volumes of groundwater that will be produced during excavation and demonstrate that a practical and acceptable method of disposal is available;</li> <li>• Describe how the NOW's water quality requirements for groundwater discharge will be achieved;</li> <li>• Describe how appropriate stormwater drainage will be maintained on the neighbouring property (Mr Williams);</li> <li>• Resolve any land owner consent issues in relation to stormwater drainage and tree removal on Mr William's property and any other affected properties;</li> <li>• Describe measures that are proposed to provide flood protection from a 1% ARI event during excavation, as well as any contingency measures to disposed of flood waters that may still enter the excavation;</li> <li>• Provide details of boundary fencing to ensure public safety over the full potential life of the excavation.</li> </ul> <p>Briefing Meeting – 31 July 2014, Site Inspection – 4 September 2014, Final Briefing meetings on 4 September 2014 and 30 October 2014.</p>
9	<b>Council recommendation:</b> Approval
10	<b>Conditions:</b> Attached to council assessment report